

AMENDED IN ASSEMBLY MAY 13, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1316

Introduced by Assembly Member Ma
(Coauthor: Assembly Member Furutani)

February 27, 2009

An act to amend Sections 382 and 382.1 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1316, as amended, Ma. Public utilities: low-income customers.

Existing law requires the Public Utilities Commission to establish a program of assistance to low-income electric and gas customers, which is referred to as the California Alternate Rates for Energy (CARE) program. Existing law establishes the Low-Income Oversight Board, composed of 11 members, for the purpose of advising the commission on low-income electric, gas, and water customer issues and serving as a liaison for the commission to low-income ratepayers and representatives. Existing law requires the commission, with the assistance of the ~~Low-Income Oversight Board~~ *board*, to conduct periodically an assessment of the needs of low-income electricity and gas ratepayers. The ~~Low-Income Oversight Board~~ *board* is authorized to establish a technical advisory committee and to request utility representatives and the staff of the commission to assist the technical advisory committee.

This bill would require the board to report biannually to the Legislature regarding the status of low-income programs, and to the extent possible, the results of each assessment. The board would be required to review and make recommendations to the commission regarding the proposed budgets for programs provided to low-income electricity, gas, and water customers. The bill would delete the authority of the board to establish a technical advisory committee but would require the board to establish ~~a regulatory~~ *an* advisory committee to assist the board. The bill would also expand the membership of the board to include a member selected by the State Air Resources Board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 382 of the Public Utilities Code is
2 amended to read:
3 382. (a) Programs provided to low-income electricity
4 customers, including, but not limited to, targeted energy-efficiency
5 services and the California Alternate Rates for Energy program
6 shall be funded at not less than 1996 authorized levels based on
7 an assessment of customer need.
8 (b) In order to meet legitimate needs of electric and gas
9 customers who are unable to pay their electric and gas bills and
10 who satisfy eligibility criteria for assistance, recognizing that
11 electricity is a basic necessity, and that all residents of the state
12 should be able to afford essential electricity and gas supplies, the
13 commission shall ensure that low-income ratepayers are not
14 jeopardized or overburdened by monthly energy expenditures.
15 Energy expenditure may be reduced through the establishment of
16 different rates for low-income ratepayers, different levels of rate
17 assistance, and energy efficiency programs.
18 (c) Nothing in this section shall be construed to prohibit electric
19 and gas providers from offering any special rate or program for
20 low-income ratepayers that is not specifically required in this
21 section.
22 (d) The commission shall allocate funds necessary to meet the
23 low-income objectives in this section.
24 (e) Commencing in 2002, an assessment of the needs of
25 low-income electricity and gas ratepayers shall be conducted

1 periodically by the commission with the assistance of the
2 Low-Income Oversight Board. The assessment shall evaluate
3 low-income program implementation and the effectiveness of
4 weatherization services and energy efficiency measures in
5 low-income households. The assessment shall consider whether
6 existing programs adequately address low-income electricity and
7 gas customers' energy expenditures, hardship, language needs,
8 and economic burdens.

9 (f) The Low-Income Oversight Board shall report biannually
10 to the Legislature regarding the status of low-income programs,
11 including, but not limited to, CARE participation rates, the number
12 of low-income households served, current and proposed outreach
13 efforts, and, to the extent possible, the results of each assessment
14 conducted pursuant to subdivision (e).

15 SEC. 2. Section 382.1 of the Public Utilities Code is amended
16 to read:

17 382.1. (a) There is hereby established a Low-Income Oversight
18 Board, which shall advise the commission on all low-income
19 electric, gas, and water customer issues and shall serve as a liaison
20 for the commission to low-income ratepayers and representatives.
21 The Low-Income Oversight Board shall do all of the following to
22 represent the needs and interests of low-income ratepayers:

23 (1) Monitor and evaluate implementation of all programs
24 provided to low-income electricity, gas, and water customers.

25 (2) Review and make recommendations regarding the proposed
26 budgets for programs described in paragraph (1) prior to approval
27 by the commission.

28 (3) Assist the commission in the development and analysis of
29 any assessments of low-income customer need.

30 (4) Encourage collaboration between state and utility programs
31 for low-income electricity and gas customers to maximize the
32 leverage of state and federal energy efficiency funds to both lower
33 the bills and increase the comfort of low-income customers.

34 (5) Provide reports to the Legislature, as requested, summarizing
35 the assessment of need, audits, and analysis of program
36 implementation.

37 (6) Provide recommendations to the Legislature, as requested,
38 on policy or legislation impacting low-income customers.

39 (7) Assist the commission in streamlining the application and
40 enrollment process of programs for low-income electricity and gas

1 customers with other nongas and electric low-income programs,
2 including, but not limited to, the Universal Lifeline Telephone
3 Service (ULTS) program and, including compliance with Section
4 739.1.

5 (8) Encourage the usage of the network of community service
6 providers in accordance with Section 381.5.

7 (9) To the extent possible, monitor and evaluate all proceedings
8 before the commission that impact low-income electricity, gas,
9 and water customers.

10 (10) ~~Actively solicit~~ *Solicit* public input and recommendations
11 through town hall meetings and other forums that target
12 underserved areas.

13 (b) The Low-Income Oversight Board shall be composed of 12
14 members to be selected as follows:

15 (1) Five members selected by the commission who have
16 expertise in the low-income community and who are not affiliated
17 with any state agency or utility group. These members shall be
18 selected in a manner to ensure an equitable geographic distribution.

19 (2) One member selected by the Governor.

20 (3) One member selected by the commission who is a
21 commissioner or commissioner designee.

22 (4) One member selected by the Department of Community
23 Services and Development.

24 (5) One member selected by the commission who is a
25 representative of private weatherization contractors.

26 (6) One member selected by the commission who is a
27 representative of an electrical or gas corporation.

28 (7) One member selected by the commission who is a
29 representative of a water corporation.

30 (8) One member selected by the State Air Resources Board.

31 (c) The Low-Income Oversight Board shall alternate meeting
32 locations between northern, central, and southern California.

33 (d) The Low-Income Oversight Board shall establish—~~a~~
34 ~~regulatory~~ *an* advisory committee to assist the board in its duties.
35 The committee may request assistance from the commission staff,
36 utility representatives, low-income service providers, and consumer
37 organizations.

38 (e) The commission shall do all of the following in conjunction
39 with the board:

1 (1) Work with the board, interested parties, and
2 community-based organizations to increase participation in
3 programs for low-income customers.

4 (2) Provide technical support to the board.

5 (3) Ensure that the energy burden of low-income electricity and
6 gas customers is reduced.

7 (4) Provide formal notice of board meetings in the commission's
8 daily calendar.

9 (f) (1) Members of the board shall be eligible for compensation
10 in accordance with state guidelines for necessary travel.

11 (2) Members of the board who are not salaried state service
12 employees shall be eligible for reasonable compensation for
13 attendance at board meetings.

14 (3) All reasonable costs incurred by the board in carrying out
15 its duties pursuant to subdivision (a), including staffing, travel,
16 and administrative costs, shall be reimbursed through the public
17 utilities reimbursement account and shall be part of the budget of
18 the commission and the commission shall consult with the board
19 in the preparation of that portion of the commission's annual
20 proposed budget.